

Assembly Bill No. 1711

Passed the Assembly August 26, 2004

Chief Clerk of the Assembly

Passed the Senate August 25, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 6028, 6140.7, 17209, and 17536.5 of, and to add Section 5466 to, the Business and Professions Code, relating to legal proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1711, Committee on Judiciary. Regulation of legal proceedings.

(1) Existing law, the State Bar Act, provides for the licensing and regulation of attorneys by the State Bar of California and for the determination of disciplinary and reinstatement proceedings by the State Bar Court. Existing law requires a member who is suspended, disbarred, or resigns with disciplinary charges pending to pay discipline costs as a condition of reinstatement of, or return to, active membership.

This bill would delete obsolete provisions.

(2) Existing law prohibits acts of unfair competition and acts of false and misleading advertising, and specifies the methods for service for an appellate proceeding regarding a violation, including requiring the person who commenced the proceeding to serve notice with the Attorney General and district attorney.

This bill would instead require each person filing any brief or petition with the court in those proceedings to serve a copy of that brief or petition, and upon request, any other related document, on the Attorney General and district attorney.

(3) Existing law, the Outdoor Advertising Act, provides for the regulation of advertising displays, as defined, and makes the violation of the act's provisions unlawful and a public nuisance.

This bill would prohibit a private party from bringing a cause of action against an advertising display in place as of August 12, 2004, that has been in continuous existence at its current location for 5 years. The exemption would not apply to an illegal modification of the display if the cause of action is filed within 5 years of the modification.



The people of the State of California do enact as follows:

SECTION 1. Section 5466 is added to the Business and Professions Code, to read:

5466. (a) Notwithstanding any other provision of law, as to an advertising display in place as of August 12, 2004, a cause of action for the erection or maintenance of an advertising display that violates this chapter or the laws of a local governmental entity shall not be brought by a private party against an advertising display that has been in continuous existence in its current location for a period of five years. However, if the advertising display has been illegally modified, the cause of action for the illegal modification may be brought by a private party if it is filed within five years of the date the modification was made.

(b) This section shall not apply to a cause of action brought by a governmental entity that is based on the erection or maintenance of an advertising display that violates this chapter or the laws of the governmental entity.

SEC. 2. Section 6028 of the Business and Professions Code is amended to read:

6028. (a) The board may make appropriations and disbursements from the funds of the State Bar to pay all necessary expenses for effectuating the purposes of this chapter.

(b) Except as provided in subdivision (c), no member of the board shall receive any other compensation than his or her necessary expenses connected with the performance of his or her duties as a member of the board.

(c) Public members of the board appointed pursuant to the provisions of Section 6013.5 and public members of the examining committee appointed pursuant to Section 6046.5 shall receive, out of funds appropriated by the board for this purpose, fifty dollars (\$50) per day for each day actually spent in the discharge of official duties, but in no event shall this payment exceed five hundred dollars (\$500) per month. In addition, these public members shall receive, out of funds appropriated by the board, necessary expenses connected with the performance of their duties.

SEC. 3. Section 6140.7 of the Business and Professions Code is amended to read:



6140.7. Costs assessed against a member publicly reprovved or suspended, where suspension is stayed and the member is not actually suspended, shall be added to and become a part of the membership fee of the member, for the next calendar year. Unless time for payment of discipline costs is extended pursuant to subdivision (c) of Section 6086.10, costs assessed against a member who resigns with disciplinary charges pending or by a member who is actually suspended or disbarred shall be paid as a condition of reinstatement of or return to active membership.

SEC. 4. Section 17209 of the Business and Professions Code is amended to read:

17209. If a violation of this chapter is alleged or the application or construction of this chapter is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, each person filing any brief or petition with the court in that proceeding shall serve, within three days of filing with the court, a copy of that brief or petition on the Attorney General, directed to the attention of the Consumer Law Section at a service address designated on the Attorney General's official Web site for service of papers under this section or, if no service address is designated, at the Attorney General's office in San Francisco, California, and on the district attorney of the county in which the lower court action or proceeding was originally filed. Upon the Attorney General's or district attorney's request, each person who has filed any other document, including all or a portion of the appellate record, with the court in addition to a brief or petition shall provide a copy of that document without charge to the Attorney General or the district attorney within five days of the request. The time for service may be extended by the Chief Justice or presiding justice or judge for good cause shown. No judgment or relief, temporary or permanent, shall be granted or opinion issued until proof of service of the brief or petition on the Attorney General and district attorney is filed with the court.

SEC. 5. Section 17536.5 of the Business and Professions Code is amended to read:

17536.5. If a violation of this chapter is alleged or the application or construction of this chapter is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, each person



filing any brief or petition with the court in that proceeding shall serve, within three days of filing with the court, a copy of that brief or petition on the Attorney General, directed to the attention of the Consumer Law Section at a service address designated on the Attorney General's official Web site for service of papers under this section or, if no service address is designated, at the Attorney General's office in San Francisco, California, and on the district attorney of the county in which the lower court action or proceeding was originally filed. Upon the Attorney General's or district attorney's request, each person who has filed any other document, including all or a portion of the appellate record, with the court in addition to a brief or petition shall provide a copy of that document without charge to the Attorney General or the district attorney within five days of the request. The time for service may be extended by the Chief Justice or presiding justice or judge for good cause shown. No judgment or relief, temporary or permanent, shall be granted or opinion issued until proof of service of the petition or brief on the Attorney General and district attorney is filed with the court.



Approved _____, 2004

Governor

